

1 Remarks

2 Status of the Claims

3 No claims have been added, cancelled or amended via this RCE. Thus, the
4 status of pending claims 1-36 is as indicated above.

5
6 Brief Historical Summary

7 A Final Office action for this application was issued on October 27, 2005. In
8 response, the Applicants filed on December 7, 2005 an "After Final" response, which
9 included an Affidavit under 37 CFR 1.131. Subsequently, on January 6, 2006, the
10 Office mailed an Advisory Action. In the Advisory Action, the Office indicated that
11 the Affidavit (filed on Dec. 7, 2005) would not be entered because the applicant
12 failed to provide a showing of good and sufficient reasons why the affidavit is
13 necessary and was not presented earlier, as per 37 CFR 1.116(e). The Office also
14 noted MPEP 715.09 in regards to seasonable presentation of 131 Affidavits.

15
16 Request for Continued Examination

17 The Applicants hereby request continued examination of the current
18 application under 37 CFR 1.114, and request that the Response and Affidavit filed
19 on December 7, 2005 be entered. The Applicants note that, per MPEP 715.09(D), "if
20 applicant files the affidavit or other evidence with a request for continued
21 examination (RCE) under 37 CFR 1.114 in a utility or plant application" then the
22 Affidavit is considered as being seasonably presented.

23
24 Summary

25 The Applicants believe that this RCE is fully responsive to the Final Action of
October 27, 2005, and in view of the previously filed Response and Affidavit
("Declaration of Prior Invention"), the Applicants respectfully request dismissal of

*S/N: 09/873,094
Docket No. 10005949-1
RCE*

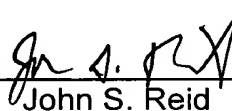
1 Sato as a reference against the claims of the pending Application, withdrawal of the
2 pending rejections under 35 U.S.C. §§ 102 and 103, and allowance of pending
3 claims 1-36, inclusive.

4 The Examiner is respectfully requested to contact the below-signed
5 representative if the Examiner believes this will facilitate prosecution toward
6 allowance of the claims.

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8 Respectfully submitted,

9 Travis J. Parry and Robert Sesek

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11 Date: January 20, 2006 By



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